OLR Bill Analysis

HB 5610

AN ACT CONCERNING THE ISSUANCE OF MUNICIPAL SOFT-SERVE ICE CREAM VENDOR PERMITS.

SUMMARY:

This bill requires municipalities that require soft-serve ice cream vendors to secure a local license or permit to issue that license or permit within five days after the vendor submits (1) a completed permit application; (2) the application fee; and (3) any necessary supporting documentation, as determined by the municipality.

EFFECTIVE DATE: Upon passage

BACKGROUND

State and Municipal Regulation of Soft-Serve Ice Cream Vendors

The Department of Consumer Protection (DCP) requires soft-serve ice cream vendors, whether selling from a building or vehicle, to have a DCP-issued frozen dessert retailer license.

By law, a soft-serve ice cream vendor engaged in temporary or transient business out of a building or structure is an itinerant vendor and must secure a license from any municipality in which it wishes to do business, in addition to the DCP license. When issuing such a license, municipalities may charge a fixed application fee. Alternatively, they may charge a variable fee equal to the taxes the town could have assessed on the vendor's merchandise under the last tax levy and require documentation from the vendor to help the municipal assessor determine this fee.

Itinerant vendors who do business without the required state or local license or permit are guilty of a class D misdemeanor.

By law, a soft-serve ice cream vendor selling from a vehicle is a hawker or peddler, and is subject to any reasonable ordinances in the

municipality in which he or she is doing business. Municipalities may require such a vendor to, among other things, secure a town permit, provide evidence of the state permit, and may impose a permitting fee of up to $200 a year.

Hawkers or peddlers who do not comply with municipal ordinances regulating their sales activities are subject to a fine of up to $199.

COMMITTEE ACTION

General Law Committee

Joint Favorable
Yea 18 Nay 0 (03/12/2013)